

106-C-277 BUILD AMERICA, BUY AMERICA ACT REQUIREMENTS
[for Federal-Aid Contracts Only]

(Adopted 11-18-22)

The Standard Specifications are revised as follows:

SECTION 106, BEGIN LINE 81, DELETE AND INSERT AS FOLLOWS:

(c) Build America, Buy America Requirements

All contracts shall be supplied with steel and iron products *and construction materials* that are ~~made~~*produced* in the United States. ~~and~~*Steel and iron products* shall comply with IC 5-16-8 and the 23 CFR 635.410.

A Build America, Buy America Certification shall be submitted and received for each product or source of material prior to being incorporated into the contract in accordance with 916.02(e) and 916.03(e).

1. Steel and Iron Products

All steel ~~and~~ iron products incorporated permanently into a contract shall be made of steel or iron produced in the United States and all subsequent manufacturing shall be performed in the United States except for pig iron and processed, pelletized, and reduced iron ore. Manufacturing is any process that modifies the chemical content; physical shape or size; or final finish of a product. Manufacturing begins with the initial melting and mixing and continues through the bending and coating stages. If a domestic product is taken out of the United States for any process, it becomes a foreign source material.

Manufactured products that are partially or predominantly steel, shall be entirely produced with domestic steel. If a product has miscellaneous foreign steel incorporated, such as fasteners or brackets, then those miscellaneous pieces shall be replaced or substituted.

1a. Exceptions

The Engineer may grant specific written permission to use foreign steel or iron products when both of the following conditions apply:

~~a~~(1) The total cost of all foreign products to be used does not exceed 0.1 percent of the total Contract cost, or \$2,500, whichever is greater. The cost is the value of the product as delivered to the project.

~~b~~(2) The specified products are not produced in the United States in sufficient quantity or otherwise are not reasonably available to meet the requirements of the Contract Documents. ~~The Engineer may require the Contractor to obtain letters from three different suppliers documenting the unavailability of a product from a domestic source if the shortage is not previously established by the Department. The Department will request a waiver when domestic iron and steel, of satisfactory quality, are not produced in sufficient and reasonably available quantities.~~

2. Construction Materials

All construction materials incorporated permanently into a contract that serve an ongoing need to the finished product shall be manufactured in the United States. All manufacturing processes for the construction materials shall occur in the United States.

~~A Buy America Certification shall be submitted and received for each product or source of material prior to being incorporated into the contract in accordance with 916.02(g) and 916.03(a).~~

SECTION 106, BEGIN LINE 239, DELETE AND INSERT AS FOLLOWS:

106.11 Sample Asbestos Exclusion Letter

Asbestos-containing materials shall not be used in the construction or reconstruction of buildings or bridges. A letter of exclusion for each building or bridge shall be submitted by the Contractor to the Engineer prior to acceptance of work and final payment. Such letter shall indicate that no asbestos-containing material was used as a building material during the project using the exclusion form in 916.03~~(f)~~04.

SECTION 914, BEGIN LINE 64, DELETE AND INSERT AS FOLLOWS:

The seed supplier shall provide *an other type* certification in accordance with 916.02 ~~and 916.03(g)~~ that lists the seed lots used in the mixture and shall indicate that the seed mixture supplied meets the contract requirements for the specific contract that the particular seed mixture is supplied. Also, as part of the certification, the seed supplier shall provide a copy of the State Seed Commissioner's letter for the seed mixture that shows that each seed lot has been tested and found to be satisfactory. The specific test results for each seed lot shall also be attached to the certification.

SECTION 916, BEGIN LINE 21, DELETE AND INSERT AS FOLLOWS:

916.02 Types of Certifications

Certifications shall be type A, type B, type C, type D, *Build America, Buy America*, or as required under other types. When specified, the type of certification provided for a material shall be in accordance with the Frequency Manual except as otherwise specified. Specific information and test results required in type A, type B, and other types of certifications will be listed in the material specifications. Sample forms for type A, type B, type C, ~~and~~ type D, *and Build America, Buy America* certifications are shown in 916.03. Sample forms for other type certifications are shown in ~~916.03 or~~ ITM 804.

SECTION 916, AFTER LINE 56, DELETE AND INSERT AS FOLLOWS:

(e) Build America, Buy America Requirement

All steel and iron materials and products and construction materials used in the contract shall be certified to be in accordance with 106.01(c).

(ef) Other Types

Types of certifications other than types A, B, C, and D are specified for selected materials. The requirements for a certification, other are described in the respective material's specification. ~~A s~~ Samples ~~is~~ are shown in ITM 804.

(fg) Requirements for Small Quantities of Materials

Where circumstances warrant, *as determined by the Department*, and previously ~~approved~~ acceptable material is not available, small quantities may be accepted either by a type D certification or by an affidavit from the supplier stating that the material offered is

equal to that specified.

(g) Buy America Requirement

~~All steel and cast iron materials and products used in the contract shall be certified to be in accordance with 106.01(e).~~

916.03 Sample Forms

SECTION 916, DELETE LINE 73 THROUGH 112.

SECTION 916, LINE 116, DELETE AND INSERT AS FOLLOWS:

(ba) Sample Type A Certification Form

SECTION 916, LINE 172, DELETE AND INSERT AS FOLLOWS:

(eb) Sample Type B Certification Form

SECTION 916, LINE 208, DELETE AND INSERT AS FOLLOWS:

(dc) Sample Type C Certification Form

SECTION 916, LINE 242, DELETE AND INSERT AS FOLLOWS:

(ed) Sample Type D Certification Form

SECTION 916, AFTER LINE 270, INSERT AS FOLLOWS:

(e) Sample Build America, Buy America Certification Form

BUILD AMERICA, BUY AMERICA CERTIFICATION

This Certification shall be prepared by the manufacturer of the product and material being supplied for this contract.

CONTRACT NUMBER _____

PROJECT NUMBER _____

CONTRACTOR'S NAME _____

MANUFACTURER'S NAME _____

BILL OF LADING or INVOICE NUMBER _____

1. Steel and Iron Materials and Products

In accordance with 106.01(c)1, I hereby certify that all steel and iron materials and products listed below were produced and manufactured in the United States of America or territories subject to its jurisdiction.

<i>Material Name*</i>	<i>Quantity (units)</i>	<i>Company of Manufacture</i>
_____	_____	_____
_____	_____	_____

_____	_____	_____
_____	_____	_____

* Identifying information such as Alloy, Grade, Type, Class, or other similar designation shall also be shown when appropriate.

2. Construction Materials

In accordance with 106.01(c)2, I hereby certify that all construction materials and manufacturing processes for the materials listed below occurred in the United States of America or territories subject to its jurisdiction.

<i>Material Name*</i>	<i>Quantity (units)</i>	<i>Company of Manufacture</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____

* Identifying information shall be shown when appropriate.

Signature of Company Official _____
Title

Date _____

Signature of Contractor Official _____
Title

Date _____

(f)916.04 Sample Asbestos Exclusion Letter

SECTION 916, LINE 308, DELETE AND INSERT AS FOLLOWS:

~~Environment, Planning and Engineering Division Chief~~ *Environmental Services Director*

SECTION 916, DELETE LINE 313 THROUGH 350.